

**IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE)
OF THE ADMINISTRATION OF THE) ADMINISTRATIVE ORDER
PROBATE / MENTAL HEALTH DEPARTMENT) No. 98-009
OF THE COURT FOR MARICOPA COUNTY,)
_____))

A committee composed of a judicial officer, private fiduciary, private practice lawyers, lawyers for public fiduciary and financial institutions and Probate Court administrative staff has met on several occasions and developed a court order entitled Order To Personal Representative and Acknowledgment and Information to Heirs. That committee has recommended that the above mentioned Order, which is attached to this Administrative Order, be entered in every Probate case in which a personal representative is appointed to administer a decedent's estate.

That committee has also recommended the court institute a procedure for the issuance of the order and its mailing to designated persons. The recommended procedure is set forth below.

The Presiding Judge of the Probate/Mental Health Department has considered the proposed Order and procedure, and their general purpose which is to inform and notify personal representatives, heirs and devisees of some of the duties/obligations of personal representatives, responsibilities of heirs and the role of the court. The Presiding Judge of the Probate / Mental Health Department and all other Probate Judicial officers recommend the issuance of this order. Accordingly:

IT IS ORDERED AS FOLLOWS:

(a) The attached Order to Personal Representative and Acknowledgment and Information to Heirs shall be entered in all proceedings in which a Personal Representative is appointed to administer a decedent's estate. The Order will be entered by the Presiding Probate Judge, a Commissioner of the Probate Court, or any Special Commissioner so designated by the Presiding Probate Judge.

(b) In cases seeking the formal appointment of a Personal Representative, pursuant to A.R.S. Section 14-3401, et. seq., the Order to Personal Representative and Acknowledgment and Information to Heirs, which has been signed by the proposed fiduciary, shall be lodged with the judicial officer before whom the matter is set, not less than five (5) days prior to the date scheduled for the hearing.

(c) In cases seeking the informal appointment of a Personal Representative, pursuant to A.R.S. Sections 14-3301 & 14-3303, the Order to Personal Representative and Acknowledgment and Information to Heirs, which has been signed by the proposed fiduciary, shall be filed with the application for appointment.

(d) Within ten (10) days of the fiduciary's appointment, whether such

appointment was done formally or informally, the Personal Representative shall mail a copy of the Order to Personal Representative and Acknowledgment and Information to Heirs to all devisees, heirs of intestate estates, and persons who have filed a Demand for Notice.

(e) Within fifteen (15) days of the fiduciary's appointment, whether such appointment was done formally or informally, the Personal Representative shall file with the Court a notarized statement swearing that copies of the Order to Personal Representative and Acknowledgment and Information to Heirs were mailed in compliance with this order.

The effective date for use of these procedures and attached Order shall be May 1, 1998. The procedures and attached Order will be reviewed before February 28, 1999, with a report to the Presiding Judge of the Probate/Mental Health Department in order to determine whether the procedure and order should remain in effect or be modified in some way.

Dated this day of February,

Robert D. Myers
Presiding Judge

Original: Clerk of the Superior Court

